

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:05CR294
vs.)
LYNN C. BOWERS,)
Defendant.) ORDER

This matter is before the court on the oral motion of William C. Bracker to withdraw as counsel for the defendant, Lynn C. Bowers (Bowers) and Bowers' motion to extend time (Filing No. 18). The court held a hearing on the motion on September 29, 2005. The court determined that Mr. Bracker should be allowed to withdraw and Bowers qualified for the appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska.

IT IS ORDERED:

1. William C. Bracker's oral motion to withdraw as counsel for Bowers is granted.
2. David F. Eaton, 4913 Underwood Ave., Omaha, NE 68132, (402) 346-1490, is appointed to represent Bowers for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Eaton shall file his appearance herein forthwith. Mr. Bracker shall forthwith provide Mr. Eaton with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Bracker which are material to Bowers' defense.
3. The clerk shall provide a copy of this order to Mr. Eaton and to the Federal Public Defender.
4. Bowers' motion to extend time (Filing No. 18) is granted. Bowers shall have to **on or before October 31, 2005**, in which to file pretrial motions pursuant to the progression order. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 29, 2005 and October 31, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 30th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge